IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 24319 of 1999

Between:

APSRTC Rep by its Executive Engineer,
Visakhapatnam.

..... PETITIONER

AND

Sri.Sk.Madina S/o Sk.Dariya,
C/o P.Sasank, D.No.53-41-16,
Maddilapalem, Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly in the nature of Writ of certiorari by calling for the records in I.D.No.468 of 1995 dt 28-1-1999 published in G.O.Rt.No.542 dt 27-03-1999 on the file of the Hon'ble Industrial-cum-Labour Court, Visakhapatnam herein and quash the order and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:KUM.B.G.UMA DEVI

Counsel for the Respondent : MR.CHALLARI NAGESWARA RAO

The Court made the following :

ORDER

Heard Kum.B.G.Umadevi, learned Standing Counsel appearing on behalf of the petitioner and also the learned counsel appearing on behalf of the respondent.

The main question which involved is as to whether the respondent who has laid a claim by way of reference under Section 2-A (2) of the Industrial Disputes Act, 1947 was a contract labour. After the reference, the Labour Court on consideration of the evidence available on record, held that there is a relationship of employer and employee. In the similar circumstances, this Court has already dismissed similar Writ Petition in W.P.No.24326 of 1999 as per the order dated 16-03-2005.

Following the same and especially in view of the finding of fact arrived, I do not find any merit in this Writ Petition.

Accordingly, the Writ Petition is dismissed. No costs.

17-03-2005.

Hsd

Asst. Registrar

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